

BOARD OF SELECTMEN

Minutes of the Meeting of 20 December 2006 at 6:00 PM. The meeting took place in the Court Room, Town and County Building, Nantucket, MA 02554. Members of the Board present were Douglas Bennett, Brian Chadwick, Michael Kopko, Catherine Flanagan Stover and Whiting Willauer. Chairman Willauer called the meeting to order at 6:04 PM following a meeting of the NRTA Advisory Board.

Announcements. Chairman Willauer read a warning about a "lethal drug" as per the Alliance on Substance Abuse and Prevention.

Public Comment. Barbara Gookin of the Energy Committee referred to a newspaper article about potential increasing National Grid rates. She suggested the Board request that National Grid apply a distribution of the rate increase based on residence type.

Approval of Payroll Warrant for Week Ending 17 December 2006. The Board approved the payroll warrant by unanimous consent.

Approval of Treasury Warrant and Pending Contracts for Week Ending 20 December 2006. The Board approved the treasury warrant and pending contracts by unanimous consent.

Old Business

1. Renewal of Annual Liquor License for The Muse (continued from December 6, 1006 and December 13, 2006). Chairman Willauer introduced the matter, asking for those in favor of the renewal to speak. Owner/Manager Michael Reilly noted his absence of the week before due to being off-island and spoke in favor of the renewal, stating that plans are in place to prevent potential accidents and mishaps. Muse employee Betsy Larrabee spoke in favor of the renewal, noting that various complaints are being addressed. Chairman Willauer invited any opposing comments. Mr. DaSilva, an abutter, complained of frequently high noise levels and requested a restriction on the license to address this. Steven Welch spoke in favor of the renewal, but also asked for neighborhood considerations

Attorney Arthur Reade, representing the neighbors, reiterated comments he made at the previous meeting regarding the range of complaints. He suggested that the Board make restrictions tied to the entertainment license. Health Inspector Richard Ray requested that the Board require the establishment to provide upgrades to an existing smoking deck to be in compliance with deck guidelines as a condition of the renewal of the liquor license. Deputy Police Chief Charles Gibson noted that The Muse has worked with the Police Department in a cooperative manner, adding that the complaints heard tonight are not unique to The Muse and are due in part to the growth on the island. He reviewed police Department actions and remedies that have occurred in response to complaints. Mr. Welch commented further about the noise levels and lighting. Mr. Kopko moved that the Board renew the liquor license, but address whether or not to add conditions on the entertainment and liquor licenses at a public hearing on January 17, 2007. Mr. Bennett seconded the motion. Mr. Chadwick added a friendly amendment to review the entertainment license in six months. So voted unanimously.

Public Hearings

1. Public Hearing to Review Applications for Committee Vacancy: Finance Committee (for

appointment to be made January 3, 2007). Chairman Willauer opened the public hearing, noting that there are three applicants. Matt Mulcahy, an at-large member of the Capital Program Committee, spoke of his interest in serving. Questions for Mr. Mulcahy followed on the frequency of Fin Com meetings, the fiscal condition of the Town and housing concerns of the island. Chris Perry, a former School Committee member, commented on his hope for involvement and his commitment of time. He addressed the same questions asked of Mr. Mulcahy as well as ways to address housing needs. Peter Morrison spoke on his two years of full-time residence and business experience and noted his belief in cautious expectations and flexible schedule to make meetings. John McLaughlin spoke in support of the appointment of Chris Perry. Chairman Willauer closed the public hearing and thanked the applicants for their interest.

2. Public Hearing to Hear Petition of National Grid and Verizon for Installation of New Pole and Relocation of Existing Pole on Nobadeer Farm Road at Yawkee Way. Chairman Willauer opened the public hearing. Nelson Antunes, representing National Grid was available to answer any questions. There were none. Chairman Willauer closed the public hearing. Mr. Bennett moved to approve the petition. Ms. Stover seconded. So voted unanimously.

3. Public Hearing to Hear Petition of National Grid for Installation of New Pole and Relocation of Existing Pole at 82/84 Wauwinet Road to Accommodate New Driveway. Chairman Willauer opened the public hearing. Nelson Antunes, representing National Grid was available to answer any questions. There were none. Arthur Gasbarro spoke in support of the approval. Chairman Willauer closed the public hearing. Mr. Bennett moved to approve the petition. Ms. Stover seconded. So voted unanimously.

4. Public Hearing to Hear Petition of National Grid to Construct One Hundred Feet of Underground Electric Conduit Along North Beach Street in the Vicinity of Arbour Way. Chairman Willauer opened the public hearing. Nelson Antunes, representing National Grid was available to answer any questions. Mr. Kopko asked questions, which Mr. Antunes answered. DPW Director Jeff Willett advised that the Town plans further work in the area of this proposal with regard to sewer construction along North Beach Street and noted concerns about the congestion. He also asked about the encasement of the conduit and Mr. Antunes indicated that the encasement can be modified to the Town's specifications. Chairman Willauer asked about the surcharge listed on electric bills, which Vice President Dave Fredericks answered. Ms. Gibson noted that a citizen concern letter received regarding the sidewalk, and Mr. Antunes answered that the sidewalk will be properly repaired following the work. Chairman Willauer closed the public hearing. Mr. Bennett moved to approve the petition. Mr. Kopko seconded. So voted unanimously.

5. Public Hearing to Consider Applications of Global Restaurant Management, Inc., d/b/a LOLA 41 for an Annual All Alcohol Restaurant License and for Alteration of Premises at 15 South Beach Street. Chairman Willauer opened the public hearing. Geoff Silva, owner and manager of the restaurant spoke in favor of the applications. He described the requests and said that opening of the restaurant would occur in February 2007. Chairman Willauer closed the public hearing. Mr. Bennett moved to approve the applications in conjunction with meeting zoning requirements. Mr. Kopko seconded. So voted unanimously. Mr. Kopko noted his disappointment that no restaurants,

except Stubby's, plan to be open on Christmas Day. He suggested that the Board look into the matter closely and require requests for closure as per the Town policy. He further noted the need for a restaurant association.

Citizen/Departmental Requests

1. Sconset Bluff Preservation Fund: Request for Authorization to Submit Notice of Intent for Erosion Control Project to Conservation Commission. Attorney Bill Hunter spoke on behalf of the SBPF and reminded the Board of the continuation of the matter to approve the pending Notice of Intent from the meeting of December 13, 2006. He mentioned a second matter regarding an amendment for the Baxter Road coastal bank stabilization and Order of Conditions noted the need for Board assent to that as well. Mr. Kopko indicated his resistance to proceeding at this time as more time for review is needed by the Board. He suggested that the proposed erosion control project be presented to voters as a non-binding resolution at the Annual Town Meeting. He asked the Board not to take action on this NOI tonight, but to act upon the amendment to the Con Com Order of Conditions regarding the coastal bank work. allow methodology changes in the existing bank as per the Conservation Commission direction. Discussion followed. Mr. Chadwick suggested that the Board act to allow the process to proceed, allowing public discussion and providing signatures on the NOI for the beach nourishment permitting. Discussion continued on the meaning of signing the NOI. Mr. Kopko moved that the Board sign Amendment SE48-1659 and for the extension of the new order of conditions. Ms. Stover seconded. Conservation Commission Administrator Dirk Roggeveen spoke on the processing of the documents. So voted unanimously.

2. Request for Waiver from Noise Bylaw for Surfside Wastewater Treatment Facility Upgrade Project. DPW Director Jeff Willett spoke on the contractor's plan to work four ten-hour days, from 7:00 AM to 5:30 PM for the project duration of two years. Mr. Bennett moved to approve the request. Mr. Chadwick seconded. So voted unanimously.

Town Administrator's Report

1. National Grid Review of Backup Electrical Generation. Ms. Gibson introduced the matter, noting Mr. Frederick's last review of this item in 2004. Mr. Fredericks provided a brief history of the island's electricity supply and backup generation, the determination to provide a second cable and planning criteria with regard to peak load forecasts. He reviewed outage scenarios and the ability to supply power in each case to at least a minimum level. Discussion followed. Mr. Fredericks addressed the public comment about the electric surcharge.

Ms. Gibson announced the arrival today of the new Steamship fast ferry *Iyanough*, which goes into service March 27, 2007.

Selectmen's Goals and Objectives

1. Auto Limitation Study Committee: Presentation of Final Report. Committee Chairman Paula Leary reviewed the mission, the consensus of the committee and recommendations for a sticker system for island vehicles. Ms. Leary advised that the committee has had its last meeting. Discussion followed on the inability of the committee to come to consensus on limiting cars and

other potential remedies, enforcement capabilities and planning for the future. Discussion continued on ways to count cars on the island and on data collection with this proposed system. Matthew Fee spoke on the increase in cars and finding creative ways to keep the number down, noting his support of this first step. Ms. Gibson suggested no issuance of stickers just for the sake of acquiring information, noting this would pose a large administrative burden on an already overburdened administration. Mr. Bennett moved to take the matter under advisement. Mr. Kopko seconded. Ms. Stover made a friendly amendment to send each member a letter of thanks. So voted unanimously.

Selectmen's Reports/Comment

1. Continued Review of FY 2008 General Fund Budget and FY 2008 Solid Waste and Sewer Enterprise Fund Budgets. Ms. Gibson introduced the matter and Mr. Kopko spoke on his comfort with the information as previously reviewed. Christy Kickham, Chairman of the Contract Review Committee, reviewed the specifics of a supplemental budget request from his committee.

The meeting adjourned at 8:45 PM.

Approved the 3rd day of January 2007.